

RECEIVED  
CENTRAL FAX CENTER

461.007 JUN 29 2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: :  
Eduardo Trifoni, et al. :  
Serial No.: 10/524,040 :  
Filed: 02/09/2005 :  
For: MEMBRANE... GENERATOR :

Hedman and Costigan  
1185 Avenue of the Americas  
New York, NY 10036  
June 29, 2007

**RENEWED PETITION under 37 CFR 1.47(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the decision on petition under 37 CFR 1.47 (a) dated June 20, 2007, Applicants again renew the petition. The Attorney Advisor has held that Applicants have complied with sections (1), (3) and (4) of 37 CFR 1.47(a) but not section (2) since Ms. Tuosto's declaration did not include evidence that Mr. Trifoni received the application papers and if a complete copy of the application was mailed. Also, no documentary evidence was included with the September 12, 2005 declaration.

With respect to the May 30, 2006 declaration, the Attorney Advisor stated that there was no evidence that the material was received by Mr. Trifoni and petitioner must provide evidence that the application materials were actually received.

Applicants wish to call to the Attorney Advisor's attention that the declaration of September 12, 2005 clearly stated that Ms. Tuosto contacted "Eduardo Trifoni on February 4, 2005 with the above application and declaration and assignment in connection with the U.S. national phase of PCT/EP03/09554" which is the application in question so it unquestioned that he received the application.


The May 30, 2006 declaration merely states that she forwarded again another copy of the application, declaration and assignment on April 12, 2006 with a copy of the letter attached to the declaration and it was this copy of the application that was not returned. The record is clear that without question Mr. Trifoni has received the application from the first declaration.

The Attorney Advisor's statement that it is not clear that a complete copy of application was mailed to Mr. Trifoni from the first declaration of Ms. Tuosto is not understood since the record already shows that Mr. Trifoni was contacted "with the above declaration, declaration and assignment" which was further identified as the U.S. application corresponding to the PCT application by Nuvera. The declaration clearly states that Ms. Tuosto discussed the situation with him on February 4, 2005 and he would have to give the matter consideration and that she contacted him twice by e-mail. He then contacted Ms. Tuosto by telephone and indicated he "would not sign any document without adequate compensation".

It is believed that the record is clear that Mr. Trifoni received the complete

application, declaration and assignment and that he refused orally by telephone to execute any documents including the present application without being paid. It should be noted that Ms. Tuosto's statements are sworn statements and it is hoped that the Attorney Advisor is not inferring that Ms. Tuosto is lying. Therefore, it is believed that Applicants have established clearly that Mr. Trifoni when presented with the complete application, declaration and assignment that he refused to execute the application. Applicants have clearly complied with section (2) and granting of the petition is requested.

Respectfully submitted,  
Hedman and Costigan

  
Charles A. Muserlian #19,683  
Attorney for Applicants  
Tel. 212 302 8989

CAM:mlp  
Enclosures

#### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

  
Charles A. Muserlian #19,683

6-29-07